

## MEMORANDUM

**SUBJECT:** Atlanta Water Correspondence (17r-14-R5)

**FROM:** Katsumi Keeler, Case Manager  
EPA Office of Civil Rights

KK 11-13-14

**TO:** File

This is a record of the disposition of a correspondence as a non-complaint, for which no further action will be taken by OCR. The correspondence was received by the EPA Office of Civil Rights on October 22, 2014, and was assigned the control number 17r-14-R4.

On 11/13/14, at 1518 hours, I spoke by telephone with Lauren Fehlman, Regional Supervisory Investigator, 615-232-3803, of Federal OSHA, in reference to OSHA Case (b) (6) - Privacy City of Atlanta, Department of Watershed Management/ (b) (6) - Privacy. I inquired as to the reason she had sent a copy of a retaliation complaint (OCR Case 17r-14-R4) to the EPA. She stated that it is her agency's SOP to forward a copy of retaliation complaints that reference issues regulated by other agencies to the agencies of concern. In this case, the complaint was actually of retaliation against a whistleblower who complained about violations of the Safe Drinking Water Act. She stated that it was not her expectation that EPA would report back to her agency regarding and that the notification had been sent as a courtesy.

Ms. Fehlman further stated that, as stated in the referral cover letter, her Department is pursuing an investigation of the retaliation allegation and that the only reason she sent the referral letter to the EPA was because there were allegations of violations of the Safe Drinking Water Act, of which the EPA is the enforcement authority.

Note that, although Title VI does address retaliation, it is only with respect to discriminatory acts. Part § 7.100 states:

"Intimidation and retaliation prohibited. No applicant, recipient, nor other person shall intimidate, threaten, coerce, or discriminate against any individual or group, either:

- (a) For the purpose of interfering with any right or privilege guaranteed by the Acts or this part, or
- (b) Because the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing under this part, or has opposed any practice made unlawful by this regulation."

Because the correspondence was a courtesy copy of a complaint that OSHA was investigating, was not a complaint referral, and did not address any civil rights issues, OCR will take no further action.